

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

TYROWONE LOUIS KIMBLE

PLAINTIFF

V.

CIVIL ACTION NO. 3:18-CV-00038-NBB-RP

COFFEEVILLE POLICE DEPT., et al.

DEFENDANTS

ORDER DISMISSING OFFICER PAYNE FOR FAILURE TO SERVE

On August 13, 2018, this Court ordered that process issue for Officer James Payne, Jr., and Officer Gage Vance. Doc. #25. On September 26, 2018, the summons of process was returned reflecting that there was successful service on Officer Gage Vance, but Officer James Payne, Jr., was unable to be located and was not served. Doc. #32. Since that time, Plaintiff has continued to prosecute his case against Officer Vance but has filed no pleadings regarding Officer Payne. On July 23, 2019, this Court entered an order directing Plaintiff to show cause within thirty (30) days why his complaint against Officer Payne should not be dismissed pursuant to F.R.C.P. 4(m). Doc. #108. Subsequently, on August 16, 2019, Plaintiff filed a document entitled “Motion to Show Good Cause” in which he asserts that there are numerous *possible* locations where Officer Payne *may* be located and served with process. Doc. #118. Plaintiff, however, has not shown “good cause for the failure” to serve Officer Payne. *See* F.R.C.P. 4(m). Accordingly, the court finds that Plaintiff’s complaint against Officer Payne should be **DISMISSED without prejudice**, and that Plaintiff’s Motion to Show Good Cause should be **denied as moot**.

SO ORDERED AND ADJUDGED this, the 26th day of September, 2019.

/s/ Neal Biggers

NEAL B. BIGGERS, JR.

UNITED STATES DISTRICT JUDGE